UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 9 1983

OFFICE OF
SOLID WASTE AND EMERGENCY RESPONSE

MEMORANDUM

SUBJECT: Sole Source Justification for Reilly Tar
Subcontract

FROM : Stanley P. Kovell, Chief
Support Services Branch

TO : C. Scott Parrish, OERR

This is in response to your March 1st memo asking me to comment on the sole source justification for Capsule Laboratories to perform the sampling and sample analysis for the Reilly Tar site. Attached is a memorandum from Dr. Alfred Haeberer summarizing his technical review of the methods cited.

In summary, my opinion is:

1. The material presented does not support a sole source justification because it fails to demonstrate that only Capsule Laboratories can meet the government's requirement. There are alternative ways of doing the job, and alternative firms were not considered in the justification. A very good argument was made as to why the Justice Department wanted to go to Capsule Laboratories as a matter of program convenience, but this is not sufficient to support a sole source procurement.

2. The contract labs cannot be used for sample taking, because this is a field function, not a laboratory function. The contract labs can be used (under Special Analytic Services) to do the analysis if the analytic requirement is specified better. If greater specificity is impossible, I would suggest using the NEIC laboratory.

3. The methodologies presented are fundamentally sound and do not seem to be unique to the point of being considered to be proprietary. This is advantageous, because we should be very cautious in using "proprietary" methods for enforcement purposes, since the lack of open peer review on methodology would make proving their efficacy difficult to do.

I realize the importance of proceeding with this study expeditiously. I am in no position to comment on the best way to proceed technically or programmaticlly, but I believe that the proposed sole source proposal as currently structured is not the proper way to go.